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5
   Attorneys for Plaintiff ERNA GIESBRECHT
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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

10   SACRAMENTO DIVISION

11 ERNA GIESBRECHT, formerly known as Erna   Case No.: 05-CV-00193 RRB KJM
    R. Goehring, individually and on behalf of the
12 General Public,   **STIPULATION AND REQUEST FOR
                                                  DISMISSAL AND ORDER DISMISSING
13   Plaintiff,   CASE**

14 v.

15 WASHINGTON MUTUAL BANK, FA;
    HOMESIDE LENDING, INC., aka HOMESIDE
16 LENDING; WASHINGTON MUTUAL HOME
    LOANS; TRANS UNION and Does 1 through 50,
17
          Defendants.
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19   IT IS HEREBY STIPULATED by and between plaintiff Erna Giesbrecht and defendants

20 Washington Mutual Bank, F.A.; Homeside Lending, Inc. aka Homeside Lending; and Washington

21 Mutual Home Loans; that this matter be dismissed as to Erna Giesbrecht only, with prejudice, pursuant

22 to Federal Rule of Civil Procedure 41(a), with each party to bear its own attorneys' fees and costs, as

23 set forth in the settlement. It is also hereby stipulated that the class allegations are dismissed without

24 prejudice.

25 Dated: January 18, 2008   ELLIS, COLEMAN, POIRIER, LaVOIE
                                           & STEINHEIMER, LLP
26
                                         By /s June D. Coleman_____
27   June D. Coleman
                                            Attorneys for Defendant
28   ERNA GIESBRECHT

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1   Dated: January 18, 2008   MUSICK, PEELER & GARRETT LLP

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3   By: /s/ Barry D. Hovis
                                                    Barry D. Hovis
4   Attorneys for Defendants
                                                    WASHINGTON MUTUAL BANK, F.A.;
5   HOMESIDE LENDING, INC. aka HOMESIDE
                                                    LENDING; WASHINGTON MUTUAL HOME
6   LOANS

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8   Pursuant to the Stipulation of the parties, the Court orders that the defendants Washington

9   Mutual Bank, F.A.; Homeside Lending, Inc. aka Homeside Lending; and Washington Mutual Home

10   Loans, , be, and hereby are, dismissed, with prejudice, from the above-captioned action as to the

11   allegations raised by Erna Giesbrecht, individually. The class allegations are dismissed without

12   prejudice. Each party shall bear its own costs and attorneys' fees in the action.

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14   IT IS SO ORDERED.

15   Date: January 18, 2008

16   /s/ Ralph R. Beistline
                                                Honorable Ralph R. Beistline

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STIPULATION AND REQUEST FOR DISMISSAL AND [PROPOSED] ORDER DISMISSING CASE

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CERTIFICATE OF SERVICE

2   I, Jennifer E. Mueller, declare:

3   I am a citizen of the United States, am over the age of eighteen years, and am not a party to or

4   interested in the within entitled cause. My business address is 555 University Avenue, Suite 200 East,

5   Sacramento, CA 95825.

6   On January 18, 2008, I served the following document(s) on the parties in the within action:

7   **STIPULATION AND REQUEST FOR DISMISSAL AND [PROPOSED] ORDER
    DISMISSING CASE**

8

9 **X** 10	**VIA ELECTRONIC SERVICE**: The above-described document(s) will be delivered electronically through the Court's ECF/PACER electronic filing system, as stipulated by all parties to constitute personal service, to the following:

11

12 13 14	Barry D Hovis Musick Peeler and Garrett 120 Montgomery Street Suite 2550 San Francisco, CA 94104-4303	Attorneys for Defendants Washington Mutual Bank, F.A.; Homeside Lending, Inc. aka Homeside Lending; Washington Mutual Home Loans

15   I declare under penalty of perjury under the laws of the State of California that the foregoing is

16 a true and correct statement and that this Certificate was executed on January 18, 2008.

17

18   By ._____

19   Jennifer E. Mueller

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STIPULATION AND REQUEST FOR DISMISSAL AND [PROPOSED] ORDER DISMISSING CASE